

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES W. JAIKINS,

Plaintiff,

v.

Case No. 04-73404

CATERPILLAR INC., a Delaware corporation,

Honorable Arthur J. Tarnow

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE WHALEN'S ORDER [259] DENYING CATERPILLAR'S
MOTION [241] TO COMPEL ANSWERS TO ITS SIXTH SET OF INTERROGATORIES;
AND REJECTING CATERPILLAR'S OBJECTION [262]**

Before the Court is defendant Caterpillar's objection to Magistrate Judge Whalen's order denying Caterpillar's motion to compel answers to its sixth set of interrogatories.

As the court determined in its October 21, 2008 order with regard to the fifth set of interrogatories, the requested discovery pertains to individualized issues. Any evidence from the discovery would not properly be before the court for class-wide adjudication.

Accordingly, Magistrate Judge Whalen's order is ADOPTED.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: May 13, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 13, 2009, by electronic and/or ordinary mail.

S/FELICIA M. MOSES

Relief Case Manager